

# FORMAL MEETING AGENDA BOARD OF SUPERVISORS

(and the Boards of Directors of the Flood Control District, Library District,  
Stadium District, Improvement Districts, and/or Board of Deposit)

**MONDAY, OCTOBER 1, 2007  
9:00 AM**

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**GREEN – APPROVED / RED – DENIED / BLUE – CONTINUED  
GOLD – WITHDRAWN / BROWN – NO ACTION**

## INVOCATION

## PLEDGE OF ALLEGIANCE

## ROLL CALL

*One or more members may attend telephonically.  
Members attending telephonically will be announced at the meeting.*

The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3).

## BOARD OF SUPERVISORS

1. Introduction of the "Pet of the Month" from Maricopa County Animal Care & Control.  
– (NO ACTION)

## PRESENTATION

2. Presentation of donation by the Board of Supervisors to the 100 Club in honor of Officer Nick Erfle. (ADM650) – (NO ACTION)

## STATUTORY HEARINGS

### Clerk of the Board

### 3. LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

- a. Application filed by Joan Therese Cosson for a Special Event Liquor License: (SELL799) (F23221) – **(APPROVED)**
- Business Name: Catholic Daughters of the Americas  
Location: 14818 W. Deer Valley Drive, Sun City West, 85375  
Date/Time: October 28, 2007, 3:00 pm – 6:00 pm
- b. Application filed by Sharon Lynn Allred for a Person-to-Person Transfer of a Series 7 Liquor License from Eddie James Moore: (MCLL6242) (AZ#07070496) – **(APPROVED)**
- Business Name: RDM Spirits  
Location: 3417 W. Broadway Road, Phoenix, 85023
- c. Application filed by Daniel Joseph Mendelson for a New Series 12 Liquor License: (MCLL6241) (AZ#12077266) – **(CONTINUED TO 10/17/07)**
- Business Name: Scorz Sports Grill  
Location: 5110 N. Dysart Road Suite B160, Litchfield Park, 85340  
**NOTE: Contingent upon issuance of Certificate of Occupancy prior to operation of business.**
- d. Application filed by Fred Peter Martori for a Person-to-Person Transfer and a Transfer-of-Location of a Series 6 Liquor License from Todd Marshall Cunningham: (MCLL6238) (AZ#03070293) – **(APPROVED)**
- Business Name: Cadillac Ranch  
Location: 11701 W. Glendale Avenue, Glendale, 85307  
Former Location: 2511 W. Indian School, Phoenix, 85017  
**NOTE: Contingent upon issuance of Certificate of Occupancy prior to operation of business.**
- e. Application filed by Fr. Pierre Hissey for a Special Event Liquor License: (SELL801) (F23221) – **(APPROVED)**
- Business Name: St. Stevens Catholic Church  
Location: 24827 S. Dobson Road, Sun Lakes AZ 85248  
Date/Time: October 13, 2007, 4:00 pm to 9:00 pm

#### **4. FRANCHISES**

- a. Pursuant to A.R.S. §40-283, convene the scheduled public hearing to solicit comments and consider the reapplication filed by **Water Utility of Greater Tonopah, Inc.** for an extension to an existing public service franchise for a domestic water distribution system. The hearing will consider whether the applicant is able to adequately maintain facilities in county right-of-ways. Pending approval by the Board of Supervisors, the franchise will be granted with such conditions and restrictions the Board of Supervisors deems best for public safety and welfare including the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona by June 30, 2008, and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. Upon approval, authorize the Chairman to sign the Franchise Resolution. (C0608022700) (F21283) – **(APPROVED)**
- b. Pursuant to A.R.S. §40-283, convene the scheduled public hearing to solicit comments and consider the reapplication filed by **Hassayampa Utility Company, Inc.** for a public

service franchise for a domestic sewage system. The hearing will consider whether the applicant is able to adequately maintain facilities in county right-of-ways. Pending approval by the Board of Supervisors, the franchise will be granted with such conditions and restrictions the Board of Supervisors deems best for public safety and welfare including the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona by June 30, 2008, and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. Upon approval, authorize the Chairman to sign the Franchise Resolution. (C0608023700) (F23217) – **(APPROVED)**

## **Transportation**

### **5. ROAD FILE AMENDMENT – **(APPROVED)****

Approve petitions to amend the legal descriptions for the following road. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, right-of-way or properties along the alignments into the Department of Transportation's highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

**Road File No. A381-R** – In the vicinity of MC 85 (Buckeye Road) from 79th Avenue to 75th Avenue, and the South 282.62 feet of 79th Avenue. (Supervisory District 4) (C6408033000)

### **6. PLYMOUTH STREET IMPROVEMENT DISTRICT – **(APPROVED)****

Pursuant to A.R.S. §48-905, convene the scheduled public hearing, to hear the petition to organize the Plymouth Street Improvement District, located in the vicinity of 78th Street and McDowell Road. The District is for paving. Petition with the requisite number of signatures has been presented requesting the formation of a paving improvement district in the vicinity of 78th Street and McDowell Road, to be known as the Plymouth Street Improvement District. (Supervisory District 2) (C6408048000) (ADM4302)

## **AGENCY ITEMS AND STATUTORY MATTERS**

### **COUNTY OFFICERS**

#### **Superintendent of Schools**

### **7. APPLY AND ACCEPT FUNDS FOR AZ ESA PROFESSIONAL DEVELOPMENT PROJECT – **(APPROVED)****

Approve the application for and the acceptance of \$117,610 from the Arizona Department of Education (ADE) for the AZ ESA Professional Development Project (Title II-A Improving Educator Quality) for a professional development program for targeted teachers of middle school science in Maricopa County. \$109,440 is budgeted for FY 2007-08. This action requires revenue and expenditure appropriation adjustment increasing the FY 2007-08 Superintendent of Schools (370) Grant Fund (715) revenue and expenditure budgets by \$8,170. The term of the contract will be thirteen months, anticipated to begin September 1, 2007, through September 30, 2008. This grant is non-renewable.

MCSOS indirect rate for FY 2006-07 is 14.16 percent. The restricted indirect cost rate allowed by this grant source is 7.40 percent. Recoverable indirect costs are \$8,103. The restricted indirect cost rate unallowable by this grant source is 6.76 percent. Unrecoverable indirect costs on this grant award are \$7,403. If any funds are awarded, the Superintendent of Schools will return to the Board for approval and acceptance of these funds and any subsequent amendments.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C3708006300)

**8. SETTLEMENT IN FLACH V. DON STAPLEY AND SCHWEIKERT V. FLACH (CONSOLIDATED) – (APPROVED AS AMENDED)**

Approve the settlement in Flach v. Don Stapley, et al., CV2006-052611 and Schweikert v. Flach, CV2006-014285 (consolidated) and 1 CA-CV 07-0419, as discussed in Executive Session September 27, 2007; and further, to authorize the Chairman to execute all final settlement documents upon review and approval by counsel. (ADM409)

**9. IGA WITH REGIONAL SCHOOL DISTRICT NO. 509 FOR FISCAL YEAR 2008-09 – (APPROVED AS AMENDED)**

Approve an Intergovernmental Agreement (IGA) with the Regional School District No. 509, pursuant to A.R.S. §15-308(C), to provide for continued educational services to the juvenile detention centers. This IGA is effective upon approval by the Board of Supervisors and upon approval by Board of the Maricopa County Regional School District No. 509. This matter was discussed in Executive Session on September 27, 2007. (ADM3814-006)

**10. REFERRAL PLACEMENT FOR REGIONAL SCHOOL DISTRICT NO. 509– (APPROVED AS AMENDED)**

Authorize the General Government department to provide Referral Placement to current employees of the Maricopa County Regional School District, No. 509 consistent with the provisions of Maricopa County administrative personnel procedure HR2404; and to waive the registration and certification requirements of Merit Rule sections 5 and 6 in order to make offers of employment to employees of the Maricopa County Regional School District. (C4908014000) (ADM3814-001)

**Clerk of the Board**

**11. FIREWORKS PERMIT APPLICATION – (APPROVED)**

Pursuant to A.R.S. §36-1603, approve the application filed by Fireworks Productions of Arizona for an original Fireworks Display Application for Manzanita Speedway: (ADM665-69)

Organization:	Manzanita Speedway
Location:	3417 W. Broadway Road, Phoenix, AZ 85041
Date/Time:	Saturday, October 13, 2007, 7:30 p.m.

**12. DONATION – (APPROVED)**

Accept monetary donations in the amount of \$3,000 to be used to offset food and parking expenses for the Maricopa County Economic Forum event to be held October 15, 2007. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and

therefore expenditure of these revenues are not prohibited by the budget law. (List is on file in the Clerk of the Board's Office) (ADM1810)

**County Attorney**

**13. AMENDMENT AND ADDITIONAL FUNDS FROM ARIZONA AUTOMOBILE THEFT AUTHORITY – (APPROVED)**

Approve Amendment No. 1 and the receipt of additional grant funds from the Arizona Automobile Theft Authority in the amount of \$22,000. Receipt of these additional funds will increase the grant to the Maricopa County Attorney's Office from \$231,900 to \$253,900. These grant funds are intended to be used exclusively for reimbursement of expenditures related to the prosecution of Arizona Vehicle Theft Task Force auto theft cases. This grant agreement commenced on July 1, 2007 and will terminate on June 30, 2008. The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 13.8%. The additional non-recoverable indirect costs of administering this grant are \$3,036. Also, approve revenue and expenditure appropriation adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the aforementioned grant in an amount of \$22,000 for FY 2007-08. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1908001301)

**14. FUNDS AND AGREEMENT WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY – (APPROVED)**

Approve receipt of grant funds and agreement 2007-AL-006 with the Governor's Office of Highway Safety in the amount of \$24,625. These grant funds are intended to be used exclusively for reimbursement of expenditures related to the prosecution of vehicular crimes involving driving and the misuse of alcohol and/or other drugs. This grant agreement commences on the date of authorization and will terminate on September 30, 2007. Operationally, this grant commences August 1, 2007 and will terminate July 31, 2008. The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 13.8%. The non-recoverable indirect cost of administering this grant is \$3,398.12. Also, approve revenue and expenditure appropriation decrease to the County Attorney's Office (190) Grants Fund (219) associated with the aforementioned grant in an amount of \$9,980.75 for FY 2007-08. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1908023300)

**Sheriff**

**15. AMENDMENT TO THE COOPERATIVE LAW ENFORCEMENT AGREEMENT AND ACCEPTANCE OF REIMBURSEMENT FUNDING – (APPROVED)**

Approve the Amendment to the Cooperative Law Enforcement Agreement between the Maricopa County Sheriff's Office and the U.S. Department of Agriculture, Forest Service, Tonto National Forest and acceptance of up to \$190,000 in reimbursement funding for the FY 2007-08 Financial and Operating Plan. The reimbursement period is October 1, 2007 through September 30, 2008.

The Sheriff's Office indirect cost rate for FY 2007-08 is 11.7%. Unrecoverable indirect costs associated with this agreement are estimated to be \$22,230. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues is not prohibited by the budget law. (C5006514204)

**16. AGREEMENT FOR LAW ENFORCEMENT SERVICES WITH THE CITY OF LITCHFIELD PARK – (APPROVED)**

Approve a three-year Agreement for Law Enforcement Services, which includes police communications Services, to be provided by Sheriff's Office to the City of Litchfield Park effective July 1, 2007 through June 30, 2010. Termination of this agreement requires 180 days written notice and the agreement shall automatically renew for up to three successive fiscal year terms unless re-negotiated or terminated. The charges are based on actual cost and are revised annually. The cost for the first year of this agreement is \$615,648. The level of service is .91 beats.

Also, pursuant to A.R.S. §42-17106, approve an appropriation adjustment of \$169,717 to Sheriff's Fund (100) revenue for the portion of revenue that was not originally budgeted in the FY 2007-08 budget submission. Intergovernmental Agreement revenues are not local revenues for the purposes of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5008009200)

**17. DONATION – (APPROVED)**

Accept the donation to the Sheriff's Office of 15 APC-200LE Armor Piercing Containment Systems (bullet traps) from Concept Development Corporation with a total approximate value of \$7,500. The donation is in honor of the three media helicopter pilots that died last month, and for Officer George Cortez of the Phoenix Police Department. (C5008019M00) (ADM3900-006)

**18. TRANSFER EXPENDITURE APPROPRIATION FOR REPLACEMENT OF RADIOS – (APPROVED)**

Authorize the Chairman to execute all capital lease documents required to finance the Sheriff's Office deputy and detention officer radio units in an amount estimated to be \$2,800,000 (principal). All capital lease documents are subject to County Counsel approval. Authorize appropriate departmental representatives to sign lease documents pertaining to their respective departments. The Department of Finance will facilitate the five-year reimbursement capital lease. The Sheriff's Office will be expending funds for the capital equipment and is requesting reimbursement of their expenditures from the proceeds of the capital lease.

Estimated total capital lease payments, with an approximate 4.5% interest rate for the estimated amount financed, are estimated to be \$3,189,086 (principal and interest) over 60 months.

Pursuant to A.R.S. §42-17106, transfer expenditure appropriation from FY 2007-08 contingency funds in maximum amounts as follows:

- \$241,058 (annualized impact is \$375,985) from Non Departmental (470) General Fund (Fund 100) Technology Reserve (4711) to the Sheriff's Office (500) General Fund (100);
- \$154,006 (annualized impact is \$261,832) from Non Departmental (470) Detention Fund (Fund 255) Technology Reserve (4711) to the Sheriff's Office (500) Detention Fund (255).



Approval of this action allows the Sheriff's Office to continue with the third phase of five-year lease purchases of replacement radios for deputies and detention officers, funding \$76,155 in first-year one-time costs for instrument programming and installation. The maximum principal amount is \$2.8 million with a maximum estimated 4.5% rate of interest with overall maximum five-year leasing costs of \$3,189,086. Related agenda items: (C5007060800 and C5006051800).

Future adjustments will be added to the Sheriff's Office General and Detention Fund targets per the agreed upon schedule; however, inventory levels will be re-evaluated with changes in staffing and operations. (C5008020800) (ADM3900-003)

**19. AGREEMENT AND ACCEPTANCE OF FUNDING FROM THE DRUG ENFORCEMENT ADMINISTRATION, ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE  
– (APPROVED)**

Approve the agreement and acceptance of up to \$32,000 in overtime reimbursement funding from the Drug Enforcement Administration, Organized Crime Drug Enforcement Task Force (OCDETF). The term of this agreement is from September 1, 2007 through September 30, 2008. The Sheriff's Office indirect cost rate for FY 2007-08 is 11.7%. Unrecoverable indirect costs associated with this agreement are estimated to be \$3,744. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues is not prohibited by the budget law. (C5008531200)

**20. AGREEMENT AND ACCEPTANCE OF FUNDS FROM THE PIMA COUNTY SHERIFF'S DEPARTMENT FOR THE MARICOPA COUNTY METHAMPHETAMINE TASK FORCE  
– (APPROVED)**

Approve the agreement and acceptance of \$11,700 in grant funds from the Pima County Sheriff's Department for the Maricopa County Methamphetamine Task Force (HIDTA). The term of the agreement is from September 1, 2007 through December 31, 2007. The agreement expires at the end of the award period unless prior written approval for an extension has been obtained from the Pima County Sheriff's Department. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$1,369. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues is not prohibited by the budget law. (C5008532300)

**Treasurer**

**21. TAX DEEDED LAND SALE – (APPROVED)**

Pursuant to A.R.S. §42-18303, accept the offers on parcels previously offered for bid at auction conducted on December 7, 2006, that were not sold. Upon approval, direct that deeds be prepared to convey the properties sold. With the approval of this action, the proceeds of the sale will total \$1,277 and an estimated \$1,277 of this amount will revert to the County General Fund. A. Parcel: 304-56-018D Tax Liability: \$2,715.49 Offer: \$500 B. Parcel: 128-51-005B Tax Liability: \$99.62 Offer: \$777. Subject to approval by Legal and Office of Management and Budget. (C4308007000)

**22. COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT  
– (APPROVED)**

Pursuant to A.R.S. §11-501, receive the Treasurer's Statement of Collections and Investment summary reports for May 2007, June 2007, July 2007, and August 2007, as on file in the Clerk of

the Board's office and retained in accordance with Arizona State Library Archives and Public Records (ASLAPR) approved retention schedule. (C4307005700) (ADM4006)

## **JUDICIAL BRANCH**

### **Adult Probation**

#### **23. PAYMENT OF ONE TIME LUMP SUM PAYMENTS – (APPROVED)**

Approve a request for payment of four one-time lump sum payments as authorized by Judicial Policy P-305B "Judicial Human Resources Compensation Policy and Procedure", Section XI.E. Performance/Merit Increases. The lump sum payments are for the following employees: Sherry Johnston, one time lump sum of \$4,620; Marilyn Windust, one time lump sum of \$4,620; Jim Baribault, one time lump sum of \$562.40; and Lee Brinkmoeller, one time lump sum of \$4,956. These four employees' talents and abilities far exceed our expectations and this adjustment is intended to acknowledge their tremendous contributions to this department. It is also intended to assist with efforts to maintain internal equity throughout this department. The increases would be effective upon Board approval. (C1108004800) (ADM3308)

## **COUNTY MANAGER**

### **Legal Advocate**

#### **24. FUNDING FROM THE PUBLIC DEFENDER TRAINING FUND FOR PUBLIC DEFENDER TRAINING – (APPROVED)**

Authorize the Office of the Legal Advocate (OLA) to continue to receive funding from the Public Defender Training Fund for FY 2007-08. The terms of the funding are for July 1, 2007 through June 30, 2008, with the option to reapply for future funds thereafter. Pursuant to Administrative Order No. 92-4 and A.R.S. §12-117, funding is provided exclusively for public defender training as related to criminal law practice. The grant-like funding was originally authorized under FUNDING AGREEMENT FOR PUBLIC DEFENDER TRAINING FUND on April 29, 2002 under C33020103 for FY 2001-02. FY 2007-08 constitutes Year 7 for the receipt of these funds. Estimated revenue for FY 2007-08 is budgeted at \$12,500. Receipt of funds does not necessitate a budget adjustment. (C5505003301)

## **DEPUTY COUNTY MANAGER**

### **Correctional Health**

#### **25. RESCIND THE PREVIOUS ACTION TO RENEW THE DATA LINK AGREEMENT WITH THE ARIZONA DEPARTMENT OF HEALTH SERVICES – (APPROVED)**

Rescind the previous action approved by the Board on August 22, 2007, under C2604035001 to renew the Data Link Agreement between the Arizona Department of Health Services, Division of Behavioral Health Services, Maricopa County acting through Correctional Health Services of Maricopa County, and the Maricopa County Sheriff's Office. A new agreement replacing C2604035001 was approved by the Board on September 5, 2007. (C2604035002)

### **Management and Budget**



**26. CIVIL ATTORNEY MANAGEMENT & PROFESSIONAL CAREER PATHS FOR COUNTY ATTORNEY'S OFFICE – (APPROVED)**

Authorize and approve Civil Attorney Management & Professional Career Paths for the Civil Division of the Maricopa County Attorney's Office. The Career Path documents replace existing Attorney Career Paths, and authorize an annualized stipend for eligible management and senior professional attorneys in the following amounts: Division Chief/Attorney Managers would receive \$20,000; Senior General Counsel would receive \$17,500. Attorneys working less than a full time schedule would receive a pro rated share of the applicable stipend. The stipend would be paid out in substantially even increments based on the number of pay periods during the calendar year. The stipend is temporary "management assignment" or "professional assignment" pay pursuant to Section VII.A of the Maricopa County Employee Merit Rules, and would end if the services of the employee are not longer needed in the function in the discretion of the appointing authority. (C4908013000)

**27. BUDGET MANAGEMENT CHANGE FOR SUPERINTENDENT OF SCHOOLS OFFICE – (APPROVED)**

Approve a budget management change for the Superintendent of Schools Office from "lump sum budgeting" to "selective line item budget review" beginning immediately. This action is necessary due to the fact that the Superintendent of School's Office exceeded their Board approved appropriation in FY 2006-07. (C4908015800)

**Public Health**

**28. AMENDMENTS FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES – (APPROVED)**

Approve amendments to the following intergovernmental agreements (IGAs) to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. These amendments are effective upon execution by both parties and exercise the option in the agreements per Section 1, paragraph 24 to extend the agreements for a one year period starting upon full-execution of the agreements to May 1, 2008. These agreements are covered under Section MC1-1001 of the Maricopa County Procurement Code.

- a. Amendment No. 1 to IGA with the **Buckeye Elementary School District**. This amendment also provides additional funds to the Buckeye Elementary School District in the amount of \$6,500 for the budget period July 1, 2007 through May 1, 2008. (C8607402201)
- b. Amendment No. 1 to IGA with the **Creighton School District**. This amendment also provides additional funds to the Creighton School District in the amount of \$12,500 for the budget period July 1, 2007 through May 1, 2008. (C8607417201)
- c. Amendment No. 2 to IGA with the **Valley Unified School District**. This amendment also provides additional funds to the Paradise Valley Unified School District in the amount of \$49,000 for the budget period July 1, 2007 through May 1, 2008. (C8607423202)
- d. Amendment No. 2 to IGA with the **Fowler School District**. This amendment also provides additional funds to the Fowler School District in the amount of \$10,000 for the budget period July 1, 2007 through May 1, 2008. (C8607462202)
- e. Amendment No. 1 to IGA with the **Kyrene School District**. This amendment also provides additional funds to the Kyrene School District in the amount of \$40,000 for the budget period July 1, 2007 through May 1, 2008. (C8607483201)

**29. ADDENDUM TO THE CLINICAL STUDY AGREEMENT WITH HEALTHCARE PROVIDERS DIRECT – (APPROVED)**

Approve the Addendum to the Clinical Study Agreement between Healthcare Providers Direct and Maricopa County through its Department of Public Health for the Sexually Transmitted Disease (STD) Clinic. This addendum amends the agreement as follows:

- Adds: Institution shall not bill Medicare or any Federal sponsored health care program for any materials or equipment that has been provided by Sponsor at not cost for purposes of conducting any Study.
- Adds: Sponsor shall not be liable under Section 3.2 of the agreement for any costs incurred or obligated by Institution if the agreement is terminated earlier by Institution pursuant to section 3.1 of the agreement.
- Amends Section 5.3 to read:
- Institution and Sponsor each understand and agree that this agreement is subject to all State and Federal laws protecting patient confidentiality and privacy including, but not limited to, the Health Insurance Portability and Accountability Act of 1996.

All other terms and conditions of the original Clinical Study Agreement shall remain in full force and effect. (C8608006101)

**30. AGREEMENT WITH MAGELLAN HEALTH OF ARIZONA, INC FOR THE HOMELESS CLINIC – (APPROVED)**

Approve a Provider Participation Agreement between Magellan Health of Arizona, Inc. and Maricopa County Department of Public Health's Health Care for the Homeless Clinic (HCH). This agreement allows HCH to bill for behavioral health services provided to eligible or enrolled clients. The term of the agreement is from September 1, 2007 through June 30, 2008, for the maximum amount of \$55,225. The agreement also contains a one-year automatic renewal on a year to year basis.

This agreement with Magellan Health of Arizona, Inc. is entered into as stipulated under terms and conditions of a grant from the Department of Health and Human Services Health Resources and Services Administration that requires HCH to collect Program Income.

Maricopa County Department of Public Health's indirect cost rate for FY 2007-08 is 18%. This grant allows for full indirect cost reimbursement estimated at \$8,424, all of which is recoverable.

No revenue and expenditure appropriation adjustment is needed as these funds are included in FY 2007-08 Adopted Budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8608024100)

**31. IGA WITH ADHS FOR ARIZONA NUTRITION NETWORK – LOCAL INCENTIVE AWARD SERVICES – (APPROVED)**

Approve Intergovernmental Agreement (IGA) No.HG8610075 between the Arizona Department of Health Services (ADHS) and the Department of Public Health to provide Arizona Nutrition

Network – Local Incentive Award services. The term for this IGA is October 1, 2007 through September 30, 2012. This IGA also provides for grant funding in the amount of \$229,387 for the budget period of October 1, 2007 through September 30, 2008.

The Department of Public Health's FY 2007-08 indirect rate is 18%. Grant indirect cost reimbursement is estimated at \$34,991 and is fully recoverable.

If approved, the department will require a revenue and expenditure appropriation adjustment to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$57,323 for FY 2008-09. The appropriation adjustment is not necessary for FY 2007-08 because these funds were included in the FY 2007-08 adopted budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

Funding for this agreement is provided by a grant from ADHS and will not impact the County general fund budget. (C8608026200)

**32. IGA WITH ADHS FOR FOLIC ACID DISTRIBUTION AND EDUCATION SERVICES  
– (APPROVED)**

Approve Intergovernmental Agreement (IGA) No. HG861120 between the Arizona Department of Health Services (ADHS) and the Department of Public Health for folic acid distribution and education services. The term for this IGA is October 1, 2007 through September 30, 2012. This IGA also provides for grant funding in the amount of \$75,000 for the budget period of July 1, 2007 through June 30, 2008.

Maricopa County's indirect rate for the fiscal year 2008 is 18%. The grant indirect cost is estimated at \$11,441 and is fully recoverable.

Approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$75,000. The appropriations adjustment is necessary because these funds were not included in the FY 2007-08 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8608027200)

**33. CONSOLIDATED IMMUNIZATIONS FUNDS FOR IMMUNIZATION-RELATED EXPENSES  
– (APPROVED)**

Approve the use of consolidated Immunizations Funds for immunization-related expenses. The Public Health Department's Community Health Nursing Program (CHN) consolidated unspent grant revenue funds received through several grants from Arizona Department of Health Services (ADHS) grant for Immunization Prevention. These funds are unspent grant revenues from ADHS contracts #30-4064, 15-2043 and HG352193. Funds in the amount of \$1,757,467.73 will be allocated for these immunization-related expenses to be used upon Board approval until June 30, 2012. ADHS has already approved use of these monies for immunization-related activities to include salaries, ERE, supplies, equipment, travel and lodging, and ASIIS support effective through June 30, 2012.

Also, approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$500,000. The appropriations adjustment is necessary because these funds are additional and were not included in the FY 2007-08 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

This grant allows for full indirect cost reimbursement estimated at \$268,088 over the life of the grant. Maricopa County Department of Public Health's indirect cost rate for FY 2007-08 is 18%. The FY 2007-08 indirect cost reimbursement is estimated at \$76,271, all of which is recoverable. (C8608028200)

**34. GRANT FOR JOHNSON & JOHNSON COMMUNITY HEALTH CARE PROGRAM  
– (APPROVED)**

Approve the grant application by the Department of Public Health to the Johns Hopkins University Bloomberg School of Public Health for the Johnson and Johnson Community Health Care Program grant to enhance access to health care among medically underserved people. If awarded, this grant will increase the capacity of health care providers to address issues of chronic disease prevention with patients while strengthening the partnership between Public Health and the health care provider community. This two-year grant is non-renewable and will cover the period from June 1, 2008 through May 31, 2010. If awarded, the award amount will not exceed \$150,000 (\$75,000 per year) and Public Health will ask the Board for appropriations adjustment at that time.

This grant deviates from County policy A2505 and does not allow for indirect cost reimbursement; therefore, if awarded, up to \$22,882 in indirect costs will be unrecoverable.

Funding for this grant will be provided by Johnson and Johnson and will not affect the County general fund. (C8608029300)

**35. WAIVER TO THE PERFORMANCE-BASED SALARY ADVANCEMENT PLAN  
– (APPROVED)**

Approve a waiver to the FY 2007-08 Performance-Based Salary Advancement Plan, Section IV.A. This waiver would allow the salary advancement of 93 Public Health Community Nutrition Workers to become effective retroactively to August 27, 2007. (List is on file in the Clerk of the Board's office)

This waiver is also the result of a Market Range Study that was completed on August 23, 2007. The net financial impact of this study has been estimated at \$380,527 with additional funds being provided by the Arizona Department Health Services (ADHS) through the Women Infants and Children Program. On July 25, 2007, the Board gave approval of \$99,240 of the funds needed. The remaining funds are included and available in the new grant award effective October 1, 2007 approved by the Board on September 19, 2007. Funding for this agreement is provided by a grant from ADHS and will not impact the County general fund budget. (C8608030600)

**ASSISTANT COUNTY MANAGER - COMMUNITY SERVICES**

**Human Services**

36. **ADMINISTRATIVE CORRECTION TO IGA WITH VALLEY METRO – (APPROVED)**

Approve an administrative correction to Intergovernmental Agreement (IGA) No. C2207125300 with Valley Metro approved by the Board on March 21, 2007. This administrative correction changes the end date of the term from June 30, 2007 to June 30, 2010. All other terms and conditions of the IGA shall remain unchanged. (C2207125301)

37. **WAIVER TO THE PERFORMANCE-BASED SALARY ADVANCEMENT PLAN REGARDING RETRO-ACTIVE PAY SALARY ADVANCEMENT – (APPROVED)**

Approve a waiver to the FY 2007-08 Performance-Based Salary Advancement Plan, Section IV.A. This waiver would adjust the effective compensation date and pay rate of Mary Blumer retroactively to an eligibility date of June 4, 2007 with a corresponding pay rate of \$29.33 per hour and performance increase of 3.75%. This adjustment will correct the Placement in Range (PIR) identified from the Administrative Study Phase II Market Analysis which was inadvertently omitted in Ms. Blumer's case. (C2208120000) (ADM3308-001)

**CHIEF FINANCIAL OFFICER**

**Finance**

38. **FUND TRANSFERS; WARRANTS – (APPROVED)**

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

39. **CONVEYANCE OF REAL PROPERTY – (APPROVED)**

Approve the conveyance of real property located at 508 Monroe, Buckeye, Arizona, by Quitclaim Deed, to the Town of Buckeye pursuant to that Intergovernmental Agreement (CS881039) dated April 18, 1988 and recorded in Maricopa County Recorder number 97-0212074 on April 1, 1997, and authorize the Chairman of the Board to execute all documents necessary for the conveyance. This item was continued from the September 19, 2007 meeting. **THIS ITEM REQUIRES A UNANIMOUS ROLL CALL VOTE.** (C1808014200)

**Materials Management**

40. **SOLICITATION SERIALS – (APPROVED)**

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Award**

- 07072-C Respiratory Protection Equipment, Parts and Service (\$2,200,000 estimate/three years with three one-year renewal options)** Price agreement for the purchase of self-contained breathing apparatus (SCBA) equipment, parts and service for the Maricopa County Sheriff's office.
- United Fire Equipment Company

**Approve an increase in the price agreement amount for the following contracts. This request is due to an increased usage by County departments.**

**04135-S Veterinary Services (\$75,000 increase)** Increase contract value from \$230,000 to \$305,000. This \$75,000 increase is requested by MCSO. This price agreement was initially awarded by the Board of Supervisors on October 20, 2004 in the amount of \$150,000 and subsequently increased by the Materials Management Director to \$230,000 on September 16, 2006. Expiration date is October 31, 2007.

- Bethany Animal Hospital PLLC
- Durango Equine Vet Clinic
- Indian Bend Animal Hospital
- Southside Animal Hospital

**06104-S Document Redaction (\$590,000 increase)** Increase price agreement value from \$5,918,598 to \$6,508,598. This \$590,000 increase is requested by the Records Office to accommodate an additional number of images estimated at 110,000,000 to complete this project. This price agreement was initially awarded by the Board on December 6, 2006 in the amount of \$4,857,530 and subsequently extended in the amount of \$1,061,068 on June 20, 2007. Expiration date is June 30, 2009.

- AmCad

**41. INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF SEDONA – (APPROVED)**

Approve and execute an Intergovernmental Cooperative Purchasing Agreement with the City of Sedona, Arizona. Term of agreement is from date approved by the Board of Supervisors until cancelled by either party with 30 days notice. This agreement will facilitate the cooperative procurement of services, materials and supplies with the intent of conserving resources and reducing procurement costs. (C7308001000)

**Risk Management**

**42. EXECUTE AN IRREVOCABLE STANDBY LETTER OF CREDIT WITH BANK OF AMERICA – (APPROVED)**

Approve and authorize Maricopa County Treasurer to execute an Irrevocable Standby Letter of Credit with Bank of America. The amount of the Letter of Credit is to be \$5,870,994, with the Industrial Commission of Arizona as beneficiary. The Letter of Credit will serve as security for the County's projected liability for workers compensation claims for FY 2007-08. The Letter of Credit will be secured by the County's existing \$35 million Line of Credit with Bank of America effective July 1, 2007. The Line of Credit will be restricted by the amount of the Letter of Credit. The cost of the Letter of Credit for FY 2007-08 is projected to be approximately \$27,000, not-to-exceed \$30,000, which has been budgeted in FY 2007-08. It is not expected that there will be reason for the Letter of Credit to be drawn on; however the Industrial Commission of Arizona requires the negotiable security. (C7508018100) (ADM3712)

**ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES**

**Emergency Management**

**43. TRANSFER EXPENDITURE AUTHORITY FOR INSTALLATION OF A COMMUNICATION TOWER – (APPROVED)**



Pursuant to A.R.S. §42-17106(b), transfer expenditure authority of \$35,000 from the Non-Departmental (470) Non-Departmental Grant Fund (249) "Potential Fee Increases" line to the Emergency Management (150) Palo Verde Fund (207). This adjustment will allow the Department of Emergency Management to utilize fund balance to pay for the installation of a communication tower. (C1508007800)

## **Transportation**

### **44. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS – (APPROVED)**

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (The list is on file in the Clerk of the Board's office.) (ADM2007)

### **45. ADDITION OF PROJECT AND CORRESPONDING EXPENDITURE BUDGET – (APPROVED)**

Pursuant to A.R.S. §42-17106 (B), approve the addition of the following projects and corresponding expenditure budgets to the FY 2008-2012 five-year Transportation Improvement Program (TIP) in the Department of Transportation (640) Transportation Capital Projects Fund (234), Year 1 (FY 2007-08).

- Project T058, Estrella Interim Loop 303 with a budget of \$5,000.
- Project T081, Gilbert Road: McDowell to SR 87 with Low Water Crossing with a budget of \$20,000.

Also, approve an amendment to the current FY 2008-2012 five-year TIP in the Department of Transportation (640) Transportation Capital Projects Fund (234) by decreasing the Year 1 (FY 2007-08) expenditure budget for the following project:

- Project T002, Project Reserve Account capital budget by \$25,000.

The requested adjustments result in a net budget impact of zero. (Supervisory District 2) (C6408032800)

### **46. ANNEXATION BY THE CITY OF PHOENIX – (APPROVED)**

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Phoenix of County right-of-way within: A portion of Buckeye Road, from 580 feet west of 75th Avenue to 75th Avenue, in accordance with Ordinance No. G-4876. (Supervisory District 5) (C6408049000)

### **47. BIDS AND AWARD FOR SUN CITY MILL AND OVERLAY PROJECT PHASE 2 – (APPROVED)**

Approve the solicitation of bids for the Maricopa County Department of Transportation's Sun City Mill and Overlay Project Phase 2, Project Number T173. Approve the award of a contract to the lowest responsive responsible bidder, provided that the lowest responsive responsible bidder does not exceed the Engineer's estimate by more than ten percent. (Supervisory District 4) (C6408050100)

### **48. DECLARE EXCESS LAND – (APPROVED)**

Approve to declare approximately 3.9 +/- acres or 169,884 square feet +/- as excess land. The parcel was abandoned to Maricopa County Department of Transportation by Arizona Department of Transportation and has been determined by Maricopa County Staff as excess to the needs of the project. The City of Avondale has requested to purchase this parcel for a future planned trailhead and the sale would eliminate our existing maintenance, trespassing and liability issues. It is zoned R1-6 single family residential, City of Avondale. The parcel is situated near the MC85 roadway and the Agua Fria River and is irregular in shape. The parcel is south of MC 85 on the west side of the Agua Fria River. The parcel is a portion of APN 500-41-005B. (Supervisory District 5) (C6408051M00)

**49. ROAD FILE (AB-201) VACATE AND ABANDON – (APPROVED)**

Adopt Resolution AB-201 to abandon a portion of Ocotillo Road in the vicinity of 125th Avenue and Glendale Avenue, per A.R.S. §28-7214, by extinguishing the easement which was conveyed to Maricopa County by means of an Easement and Agreement for Roadway Purposes on August 16, 1972 and recorded by the Maricopa County Recorder as Docket number 9631, page 764. (Supervisory District 4) (C6408047000)

**50. IGA WITH TOWN OF GUADALUPE FOR GUADALUPE STREET IMPROVEMENT PROJECT – (APPROVED)**

Approve the intergovernmental agreement (IGA) between Maricopa County and the Town of Guadalupe for the Guadalupe Street Improvement Project (Small Cities Transportation Assistance Program - SCTAP.) The County will provide SCTAP funding in FY 2007-08 in the amount of \$500,000 to Guadalupe for needed improvements to the following streets: North of Guadalupe Road, East of Avenida del Yaqui and West of the Highline Canal. The project will start in the fall of 2007 and be completed by the end of the current FY 2007-08.

Also, pursuant to A.R.S. §42-17106 (B), approve an amendment to the current FY 2008-2012 five-year Transportation Improvement Program (TIP) in the Department of Transportation (640) Transportation Capital Projects Fund (234) by **increasing** the Year 1 (FY 2007-08) expenditure budget for Project T009, Small Cities Assistance Program by \$100,000.

And, **decreasing** the Year 1 (FY 2007-08) expenditure budget for Project T002, Project Reserve Account by \$100,000.

The requested adjustments result in a net budget impact of zero. (C6408068200)

## **BOARD OF SUPERVISORS**

### **Clerk of the Board**

**51. APPOINTMENTS – (APPROVED)**

- a. **Community Development Advisory Committee** – Appoint Vice Mayor Shirley Oglesby, wife of the late Vice Mayor Larry Oglesby, as the primary representative for the Town of Youngtown, whose term is effective from date of Board approval through June 30, 2008. (C0608025900)
- b. **Aggregate Mining Operation Zoning District #1 Recommendation Committee** – Accept the **resignation** of Joel Nickel and **appoint** Roger Van Camp of South West Sand and Gravel, Inc. representing industry members. Mr. Van Camp will fill the unexpired term effective as of the date of Board approval through October 5, 2009. (C0608027900)

- c. **Maricopa Workforce Connections** – Reappoint Karen Thorne, representing One-Stop Partners to the Maricopa Workforce Connections Board, which serves as the Workforce Investment Board for the balance of Maricopa County, outside the City of Phoenix, as required under the Workforce Investment Act (WIA) of 1998. The term of service is effective as of the date of Board approval through June 30, 2009.

Also, accept the **resignation** of Margaret Trujillo, former interim assistant director for the Maricopa County Workforce Development Division (WDD), and Patrick Burkhart, current WDD assistant director. These individuals represented the One-Stop Partners; however this group is not mandated for board membership. (C2208119900)

- d. **Maricopa County's Head Start Zero-Five Policy Council** – Reappoint Supervisor Mary Rose Wilcox as the Board's representative to Maricopa County's Head Start Zero-Five Policy Council. This will be Ms. Wilcox's second term on the Policy Council. The Board of Supervisors appoints a representative from among their members, or a representative from the community to serve on its behalf, as its Designee to the Maricopa County Head Start Zero-Five Policy Council. This representative serves a one-year term, from September through September of each year. Federal regulations stipulate that no member of the Policy Council, including the Board's representative, may serve more than three one-year terms on the Policy Council. The term of the appointment will be effective as of the date of Board approval through September 27, 2008. (C2208120900)
- e. **Greater Phoenix Economic Council Board of Directors** – Approve the appointment of Don Kile, Senior Vice President of The Ellman Companies and the reappointment of Supervisor Brock, Supervisor Wilson and Rick West. All directors will serve a one year term commencing on the date of the GPEC annual meeting which was held September 27, 2007. (C0608030900)

**52. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS – (APPROVED)**

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

**SETTING OF HEARINGS**

~All hearings will be held at 9:00 a.m., 205 W. Jefferson, Phoenix, unless otherwise noted~

**Planning and Development**

**53. CASES – (APPROVED)**

Schedule Planning and Development public hearings on zoning cases and other matters for the October 17, 2007 meeting. (List is on file in the Clerk of the Board's office)

**CONSENT AGENDA**

**Clerk of the Board**

- 54. ASRS Claims** – Authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. (Claims are on file in the Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule.) (ADM3309-001) – (APPROVED)
- 55. Canvass of Elections** – Pursuant to A.R.S. §16-642(B), accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4300) – (APPROVED)
- 56. Classification Changes** – Approve the Assessor's recommendation pursuant to A.R.S. §42-12054, that the Board change classification and/or reduce the valuation of certain properties which are now owner-occupied. (List is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule.) (ADM723) – (APPROVED)
- 57. Compromises** – Accept the requested compromises **as payment in full, and a waiver of medial lien due to injuries and amount of recovery.** This item was discussed in Executive Session on September 17, 2007. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM407) – (APPROVED)
- 58. Duplicate Warrants** – Necessary affidavits having been filed, pursuant to A.R.S. §11-632, approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM1823) (ADM3809) – (APPROVED)
- 59. Market Ranges** – Approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. (List of additional and/or replacement market ranges are on file in the Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule.) (ADM3308-006) – (APPROVED)
- 60. Minutes** – Approve the minutes of the Board of Supervisors meetings held June 6, 2007 and July 11, 2007. – (APPROVED)
- 61. Precinct Committeemen** – Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1701) – (APPROVED)
- 62. Secured Tax Roll Corrections** – Approve requests from the Assessor for corrections of the Secured Tax Roll Resolutions. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM705) – (APPROVED)

63. **Settlement of Tax Cases** – Approve the settlement of tax cases dated October 1, 2007. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM704) – **(APPROVED)**
64. **Stale Dated Warrants** – The Board of Supervisors finds that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (A list of claims is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM1816) – **(APPROVED)**
65. **Tax Abatements** – Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM708) – **(APPROVED)**

### **IMPROVEMENT DISTRICT AGENDA**

- ID-1. Approve minutes of meeting held June 6, 2007. – **(APPROVED)**
- ID-2. **BOUNDARY CHANGE TO THE 31ST AVENUE IMPROVEMENT DISTRICT** – **(APPROVED)**

Pursuant to A.R.S. §48-906(E), approve a boundary change to the 31st Avenue Improvement District, located in the vicinity of 31st Avenue and ½ mile north of Cloud Road. The district was organized for the installation of paving. This is an amendment to the existing district boundary.

A written request representing 100% of the property owners of the adjacent property has been presented requesting a boundary change to the 31st Avenue improvement district. The boundary adjustment will benefit the property owner by matching the improvement district tax code on the requested properties to the property owner's current property within the district. This will enable a lot adjustment through the County Assessor's Office. (Supervisorial District 3) (C6408060000)

### **FLOOD CONTROL DISTRICT AGENDA**

- FCD-1. Approve minutes of meeting held June 6, 2007. – **(APPROVED)**
- FCD-2. Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910) – **(APPROVED)**

### **LIBRARY DISTRICT AGENDA**

- LD-1. Approve the minutes of meeting held June 6, 2007. – **(APPROVED)**

## **STADIUM DISTRICT AGENDA**

**SD-1.** Approve minutes of meeting held June 6, 2007. – **(APPROVED)**

**SD-2.** **APPOINTMENT** – **(APPROVED)**

Approve the appointment of Annette Auxier to the Arizona Diamondbacks Foundation Board of Directors as a member at-large. The term of the appointment will be effective as of the date of Board approval through June 30, 2009. (C0608029900)

## **CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

- 66.** Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to the Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.) (ADM605) – **(NO ACTION)**
- 67.** Supervisors'/County Manager's summary of current events. (ADM606) – **(NO ACTION)**

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**\*\*\*The Board of Supervisors will now consider matters related to Planning and Zoning.\*\*\***

## **PLANNING AND ZONING AGENDA**

### **CONSENT AGENDA:** **(Detailed below)**

1. Z2002-032, Revert zoning of C-2 PD and C-3 PD to Rural-43, located at the southwest corner of Hazen Road & SR 85 (in the Buckeye area) (District 4) – **(APPROVED)**
2. Z2002-033, Remove existing Special Use Permit (SUP), located at the southwest corner of Hazen Road & SR 85 (in the Buckeye area) (District 4) – **(APPROVED)**

### **REGULAR AGENDA:** **(Detailed below)**

3. DMP2005-012, Development Master Plan (DMP) located north of State Highway 74, approximately between 187th Avenue and 211th Avenue (in the Morristown area) (District 4) – **(APPROVED WITH AN AMENDMENT TO STIPULATION X)**
4. DMP2006-007, Development Master Plan (DMP) located on the south side of I-10, between the 335th Avenue and 351st Avenue alignments (in the Tonopah area) (District 4) – **(APPROVED)**

### **CONSENT AGENDA DETAIL:**

1. **Z2002-032** District 4  
  
Applicant: Buckeye Hazen 73, LLC  
Location: Southwest corner of Hazen Road and SR85 (in the Buckeye area)  
Request: Revert C-2 PD and C-3 PD zoning to the Rural-43 zoning district (approximately 26.6 acres) – Buckeye Valley RV Resort

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2002-032. Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

2. **Z2002-033** District 4  
  
Applicant: Buckeye Hazen 73, LLC  
Location: Southwest corner of Hazen Road and SR85 (in the Buckeye area)  
Request: Removal of Special Use Permit (SUP) for a RV Park (approximately 59 acres) – Buckeye Valley RV Resort

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2002-033. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 8-0.

### **REGULAR AGENDA DETAIL:**

3. DMP2005-012 District 4

Applicant: Harvard Investments, Inc. for Rex Maughan  
Location: North of State Highway 74, approximately between 187th Avenue and 211th Avenue (in the Morristown area)  
Request: Development Master Plan (DMP) with Protected Development Rights (approximately 4,892 acres) – Lake Pleasant 5000

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of DMP2005-012, subject to stipulations “a” through “oo”. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 9-0-1.

- a. Development and use of the site shall comply with the narrative report titled Lake Pleasant 5000 Development Master Plan dated revised August 10, 2007 and stamped received August 13, 2007, consisting of 174 pages, as well as all appendices and all figures and tables except as modified by the following stipulations.
- b. Changes to the Lake Pleasant 5000 Development Master Plan with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. The Maricopa County Planning and Development Department may administratively approved minor changes to the Lake Pleasant 5000 Development Master Plan as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Lake Pleasant 5000 Development Master Plan, including the narrative report, maps, exhibits, or approved stipulations, constitutes a violation in accordance with the Maricopa County Zoning Ordinance.
- c. If the initial final plat has not been approved within five (5) years from the date of Development Master Plan approval, this development master plan shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider revocation of the adopted development master plan. Further, should this development master plan be rescinded, all zoning and other entitlement changes approved as part of the Lake Pleasant 5000 Development Master Plan shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.
- d. Prior to approval of any zoning change for the Lake Pleasant 5000 Development Master Plan, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zone change this development agreement shall be signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record.
- e. The Lake Pleasant 5000 master homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and amenities; washes; parks; roadway median landscaping; landscaping within public rights-of-way; all pedestrian, bicycle, and multi-use paths; and other community amenities.
- f. Prior to approval of each final plat for the Lake Pleasant 5000 Development Master Plan, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the

native vegetation within the development parcels, and which determines the preservation and disposition for each of the selected native vegetation.

- g. Concurrent with each preliminary plat application for the Lake Pleasant 5000 Development Master Plan, the master developer shall provide documentation as to how the preliminary plat complies with the Maricopa County Bicycle Transportation Plan.
- h. Concurrent with each preliminary plat application for the Lake Pleasant 5000 Development Master Plan, the master developer shall provide documentation as to how the preliminary plat complies with the Maricopa Regional Trail plan as applicable.
- i. All irrigation water supplied for common and open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within three years after issuance of the first building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department within the three year requirement.
- j. The total number of residential dwelling units for the Lake Pleasant 5000 Development Master Plan shall not exceed 8,500 residential units. To help ensure compliance, the cumulative number of dwelling units permitted to that point shall be identified on each preliminary and final plat.
- k. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Lake Pleasant 5000 Development Master Plan every five years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units permitted and platted to that point, locations of parcels/areas under construction, status of infrastructure development, status of non-residential property, progress on how the stipulations of approval are being implemented, and any other information as requested by the Maricopa County Planning and Development Department.
- l. Until annexation of the entire Lake Pleasant 5000 takes place, the master developer shall notify all future residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to most municipally-managed services. Such notice shall be included on all plats, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- m. Until such time that high school district organization takes place, notification shall be provided to future residents that they are not located within an organized high school district, and that high school students will have to attend a high school either in the Town of Wickenburg, the City of Surprise, or the City of Peoria. Such notification shall also identify which high schools have capacity and have agreed to accept students from the Lake Pleasant 5000 development, and identify the approximate distance to the respective high school. This notification shall be placed on all plats, be permanently posted on the front door of all home sales offices on not less than an 8½ x 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs).

- n. All park facilities shall be completed concurrent with any residential development within a respective parcel(s) as shown on each plat. Park facilities and amenities shall be identified on all applicable plats, and are subject to review by the Maricopa County Planning and Development Department.
- o. Not less than 1,889 acres shall be reserved for Dedicated/Non-Developable Open Space (DOS) in the locations depicted on the Land Use Display Plan and Exhibit #17. No development shall be allowed in such areas, and any disturbance in such areas is subject to approval by the Maricopa County Planning and Development Department.
- p. Not less than 233 acres shall be reserved for Recreational Open Space (ROS) land use in the locations depicted on the Land Use Display Plan and Exhibit #17. This includes a minimum 20-acre community park and three neighborhood parks at a minimum of 10 acres each, and 34 pocket/mini-parks in the general locations identified on Exhibit #18. Each of these pocket/mini-parks shall be a minimum of one acre in size. At the time of each preliminary plat submittal, the master developer shall include a description of the status of the cumulative ROS acreage completed with respect to the requirements outlined in this stipulation. Park facilities and amenities shall be identified on all plats, and a description of these facilities and amenities shall also be submitted with each applicable preliminary plat to the Maricopa County Planning and Development Department.
- q. Unless otherwise agreed to in writing by the applicable school district, not less than three school sites, each a minimum of 15 gross acres, shall be reserved for schools at the locations identified on the Land Use Display Plan and Exhibit #14.2. To help ensure compliance, at the time of each preliminary plat submittal the master developer shall include a description of the status of the required number and acreage referenced in this stipulation. The schools shall be completed concurrent with residential development in the applicable service area. Compliance shall be documented by the applicant and filed with the Maricopa County Planning and Development Department.
- r. Prior to approval of any preliminary plat for the Lake Pleasant 5000 Development Master Plan, the applicant shall provide the Maricopa County Planning and Development Department with the design guidelines referenced in the narrative report.
- s. Prior to any zoning change for the Lake Pleasant 5000 Development Master Plan, the applicant shall enter into a pre-annexation service agreement with the City of Surprise for wastewater service. This agreement shall be signed by both parties and provided to the Maricopa County Planning and Development Department.
- t. Prior to any zoning change for the Lake Pleasant 5000 Development Master Plan, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter and Certificate of Convenience and Necessity (CC&N) from the Circle City Water Company demonstrating commitment to serve the entire Lake Pleasant 5000 Development Master Plan.
- u. Prior to any zoning change for the Lake Pleasant 5000 Development Master Plan, the applicant shall submit to the Maricopa County Planning and Development Department verification of approval by the Maricopa Association of Governments (MAG) of a 208 amendment as requested by the City of Surprise.
- v. Prior to any zone change for the Lake Pleasant 5000 Development Master Plan, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter from the Circle City/Morristown Fire Department demonstrating commitment to serve the entire Lake Pleasant 5000 Development Master Plan. The

master developer shall also make arrangements for completion of all necessary fire stations concurrent with development in the applicable service area. The master developer shall provide written confirmation from the Circle City/Morristown Fire Department demonstrating compliance with this requirement and provided to the Maricopa County Planning and Development Department.

- w. Not less than 78 acres shall be reserved for Mixed Use Employment Centers in the locations depicted on the 'Land Use Display Plan' and Exhibit #14.2. To help ensure consistency with the Maricopa County Development Master Plan Guidelines for balanced land use, no residential or retail commercial uses are allowed in these parcels. At the time of each preliminary plat submittal, the master developer shall provide a written letter outlining the status of development of the Mixed Use Employment Centers with respect to the requirements outlined in this stipulation.
- x. No less than 100 acres shall be reserved for Mixed-Use in the locations depicted on the 'Land Use Display Plan' and Exhibit #14.2. To help ensure consistency with the Maricopa County Development Master Plan Guidelines for balanced land use, no less than 37 acres (37%) of each Mixed-Use parcel shall be reserved for office employment uses that are consistent with those allowed in Maricopa County's C-O zoning classification. This requirement is subject to the following conditions:
  - a. With 37 acres (37%) of each Mixed-Use parcel reserved for non-retail office employment uses, the remaining acreage of such parcel may be developed for other residential and retail commercial uses in advance of the non-retail office employment uses. If more than 37% of any Mixed-Use parcel is developed for non-retail office employment uses, equivalent acreage offsets (or other offsets calculated as set forth below or as determined by Planning and Development Department staff) for the portion of non-retail office employment uses in excess of 37% shall be applied in determining percentage of non-retail office employment uses in other Mixed-Use parcels.
  - b. Determination of the percentage of land use on Mixed Use parcels may be calculated by one of the following:
    - i. On the basis of acreage occupied by or reserved for non-retail office employment, residential, and retail commercial uses
    - ii. On the basis of gross square feet of leasable space (retail commercial and non-retail employment uses) or lot space (residential)
    - iii. On such other basis as may be determined and set forth in the required Development Agreement between Maricopa County and the master developer
    - iv. On such other equitable basis as may be determined by Planning and Development Department staff, such as the following:
      - 1. A determination that mid- to high-rise non-retail office employment development creates a high number of non-retail office employment jobs
      - 2. A reduction of dwelling units in Lake Pleasant 5000 may decrease the number of non-retail office employment jobs required.
      - 3. If one or both of such conditions exist, staff may adjust the 37 acres (37%) minimum requirement for non-retail office employment uses to no less than 25% administratively.
- y. At the time of each preliminary plat submittal, the master developer shall provide a written letter outlining the status of development of the Mixed-Use parcels with respect to the requirements outlined in stipulation x.

- z. Not less than three (3) acres shall be reserved to facilitate an emergency response station for the Circle City/Morristown Fire Department and the Maricopa County Sheriff's Office to be located at the site identified on the Land Use Display Plan and Exhibit #14.2. Written confirmation from the Circle City/Morristown Fire Department and the Maricopa County Sheriff's Office that the three acre site is sufficient to meet their emergency response needs shall be provided to the Maricopa County Planning and Development Department prior to any zoning change for the Lake Pleasant 5000 Development Master Plan. If additional emergency response stations are necessary or if the proposed site is requested by either agency to be relocated, the applicant shall process an amendment to this development master plan in accordance with Maricopa County's Development Master Plan Guidelines.
- aa. Prior to approval of the first final plat for the Lake Pleasant 5000 Development Master Plan, the applicant shall enter into an agreement with the Bureau of Land Management (BLM) regarding enclosure of and access from the Lake Pleasant 5000 Development Master Plan to adjacent BLM-administered lands. Such agreement shall be signed by both the applicant and the BLM and provided to the Maricopa County Planning and Development Department for public record.
- bb. The Lake Pleasant 5000 Development Master Plan shall be developed sequentially as identified on the phasing exhibit.
- cc. Development shall be prohibited on hillside slopes of 20% or greater unless approved by the Maricopa County Board of Supervisors. Building envelopes shall be used for any development on slopes of 15% or greater, in which no disturbance shall be allowed outside of such envelopes. On slopes greater than 15%, residential building height shall be limited to 20 feet and single-story; non-residential building height shall be limited to 25 feet. In those cases in which staff determines that one story construction would result in more visual disturbance to the local condition, staff may approve building heights through use of terraces or stories that better blend and engage the physical form of the slope itself.
- dd. At the time of each precise plan submittal, the applicant shall provide elevation plans and renderings which show the layout and design of all buildings, structures, and signs.
- ee. Prior to approval of any zoning change for the Lake Pleasant 5000 Development Master Plan, the applicant shall submit the cultural resources inventory, referenced as report number 04-1061 and dated January 17, 2004 as prepared by EnviroSystems Management, Inc. and included in the appendix, to the State Historic Preservation Office (SHPO) for review and comment. If warranted based on the survey results, SHPO may recommend that archaeological testing be performed to evaluate the potential impacts of development on cultural resources or to establish their eligibility for inclusion in the National or State Registers of Historic Places. If historic properties cannot be avoided by development activities, then SHPO may further recommend that a data recovery (excavation) program be implemented or that archaeological monitoring take place during construction.
- ff. Prior to approval of each preliminary plat for the Lake Pleasant 5000 Development Master Plan, the master developer shall submit to the Maricopa County Planning and Development Department a landscaping inventory and salvage plan which identifies and assesses the native trees and cacti within the parcels identified on the plat, and which determines the preservation/disposition for each of the selected native trees and cacti.



- gg. Prior to approval of any zoning change for the Lake Pleasant 5000 Development Master Plan, and within three (3) years from the date of DMP approval by the Board of Supervisors, the applicant shall secure written confirmation from the Arizona State Land Department (ASLD) that legal access across ASLD-administered land to the site is granted. Such written confirmation shall be provided to the Maricopa County Planning and Development Department. If such written confirmation cannot be secured within the three year requirement, this development master plan shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider revocation of the adopted development master plan.
- hh. The following Drainage Administration stipulation shall apply:
  - \* The applicant and developer agree to employ retention basin bleed-off at a rate that does not exceed 2 cfs where the traditional percolation method is not possible and at a depth that will drain the retention basins within 36 hours.
- ii. The following Maricopa County Environmental Services Department stipulations shall apply:
  - 1. Maricopa County Environmental Services Department support is predicated on the City of Surprise owning and operating the wastewater treatment facilities, and the Circle City Water Company owning and operating the water facilities. If either infrastructure system changes, then the approval of the Water and/or Sewer Master Plans may be voided, and support from the Maricopa County Environmental Services Department may also be voided.
  - 2. Maricopa County Environmental Services Department requires that FINAL water and sewer master plans must be submitted, under application and fee, for review and approval prior to approval of the first preliminary plat.
- jj. The following Flood Control District of Maricopa County stipulations shall apply:
  - 1. At the time of preliminary plat, all watercourses over 50 cfs shall be delineated as floodplain, and must be shown as such on all preliminary plats.
  - 2. All structures within the future delineated floodplain shall be one (1) foot above the encroached water surface elevation, which will need to be determined by a floodplain delineation. All structures within the floodplain will require a Floodplain Use Permit.
- kk. The following Maricopa County Sheriff's Office stipulation shall apply
  - \* Prior to any zoning change for the Lake Pleasant 5000 Development Master Plan, the master developer shall enter into a development agreement with the Maricopa County Sheriff's Office. This development agreement shall include, but not necessarily be limited to, the master developer's requirement to donate at no cost to the county for use by the Maricopa County Sheriff's Office separate office space (the size to be determined in the required development agreement) for an on-site law enforcement building(s) for the Sheriff's Office to conduct day-to-day business related to providing law enforcement services to the Lake Pleasant 5000 Development Master Plan and surrounding areas. The office space, complete with tenant improvements per Maricopa County Sheriff's Office requirements, and associated parking shall be provided no later than two (2) years from the opening of the first model home complex within the DMP, or as agreed to in the development agreement. This development agreement shall also

include, but not necessarily be limited to, the master developer's requirement to pay for start up costs and interim fees for law enforcement services associated with the property unless it is annexed into a municipality or until a full law enforcement service contract is otherwise implemented. This development agreement shall be signed by both the master developer and the Maricopa County Sheriff's Office and provided to the Maricopa County Planning and Development Department for public record.

II. The following Maricopa County Department of Transportation stipulations shall apply:

1. The Applicant has provided a Traffic Impact Study (TIS). The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to any zoning approvals and/or final plat approvals and with each development phase to reflect current conditions and any changes to the development plan. The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS shall address the timing, including "trigger" points for when design should begin, and "thresholds" by which time construction should be complete. The project must comply with all recommendations in the MCDOT-approved TIS.
2. The Applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit (the "Transportation Contribution"). The Transportation Contribution shall not be increased. Except as set forth below, the Transportation Contribution will be made at the time each individual building permit is issued and will be deposited into an escrow account (the "Escrow Account" or "Escrow Funds") naming Maricopa County as beneficiary. Applicant shall pay up to \$3 million of the Transportation Contribution to Maricopa County for the sole purpose of planning and designing the "SR 74 Improvements" (as defined below) (hereinafter, the "Planning Payment"). The Planning Payment shall be made in increments, as invoices for planning services for the "SR 74 Improvements" are delivered to the Applicant. Maricopa County shall be required to provide advance written notice of any Planning Payment, including the approximate amount, of no less than six months; Applicant shall not be required to make any Planning Payment until six months have passed from the date of Applicant's receipt of such advance written notice. Applicant shall pay all unpaid Transportation Contributions, less any Planning Payment, into the Escrow Account, calculated as set forth below, within 30 days of the occurrence of all of the following events:
  - Maricopa County and/or the Arizona Department of Transportation have completed and approved plans for improvements to SR 74;
  - Additional funding, if any, from parties other than the Applicant, required to implement the SR 74 Improvements (defined below) have been appropriated; and
  - Maricopa County has notified the Applicant, in writing, that the items described above have been completed (the "Notice of Plan").

The number of Transportation Contributions to be paid by the Applicant into the Escrow Account, to be added to all Escrow Funds previously collected as of the date of Notice of Plan as set forth above, shall be the sum of:

- One Transportation Contribution for each platted residential dwelling unit; as of the date of Notice of Plan; plus

- One Transportation Contribution for each residential dwelling unit not located within a platted area, but located within an area of the DMP for which preliminary plat approval has been given as of the date of Notice of Plan; plus
- One Transportation Contribution for each residential dwelling unit allocated by the DMP Land Use Summary Table (Total Proposed Units column) to areas not included within a plat nor within a preliminary plat as of the date of Notice of Plan.

Except as the Applicant may otherwise agree, the Escrow Funds shall only be utilized for the following improvements to SR 74: either (i) interchange construction at 198th Avenue or (ii) additional lanes between the point which is one mile east of the 187th Avenue alignment and the point which is one mile west of the 211th Avenue alignment (collectively, the "SR 74 Improvements"). The Escrow Funds shall be distributed as necessary to fund the construction of the SR 74 Improvements. The details of the Escrow Account, the design and construction of the SR 74 Improvement and the means of signifying that no further Transportation Contribution is owed relative to any portion of the DMP shall be defined in a Development Agreement. The Escrow Funds may not be used for any interior streets or any roads or streets north of SR 74, nor shall any improvements for any interim streets nor any roads north of SR 74 be offset against the Transportation Contribution. Interim connections to SR 74 from the DMP project are the responsibility of the Applicant and must be approved by ADOT.

3. The Development Agreement shall be executed prior to any zoning (rezoning) or preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The Applicant shall provide the ultimate full or half-width of right-of way for all public roadways, consistent with the Maricopa County Major Streets and Routes Plan or as otherwise approved by MCDOT. Right-of-way shall be provided as follows:
  - A.) All arterial roads (principal and minor): 130 Feet
  - B.) All major collector roads: 80 Feet
  - C.) All minor collector roads: 60 Feet

The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways). Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate the length of the left turn lane, including reverse curves.

5. The Applicant shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT. All roadways must meet county standards in effect at the time they are improved. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed. Roadway improvement plans must be approved and permitted by MCDOT. The Applicant shall relocate well site(s) and/or provide additional right-

of-way, as approved by MCDOT, in the event of conflict with any transportation facilities.

6. With regard to the provision of access to and from the DMP project, the Applicant shall provide a minimum of two access points to each development phase and/or subdivision unit:
  - At least one of the two access points shall be paved, all-weather access at the time of the opening of the first sales models of such phase and/or subdivision unit. Such access point shall be the primary access.
  - The secondary access is not required to be paved nor all-weather access until warranted by a TIS.
7. The Applicant shall not locate elementary or middle schools on arterial roads. (The schools may not “back up” to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersections.
8. The Applicant shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public (including commercial) facilities within and adjacent to the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections may be required to be grade separated. The Applicant shall prepare a comprehensive multimodal transportation and circulation plan (the “Multimodal Plan”) which addresses public transit, bicycle, pedestrian, golf cart, trail, equestrian, and other alternative uses. The Multimodal Plan must be approved before the subsequent approval of any roadway improvement plans.
9. If streetlights are provided, installation shall be provided by the Applicant. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
10. The Applicant shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual, Chapter 9. The Applicant (or as assigned to the Home Owner’s Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way within the DMP area (not within the State Trust Land). If the Applicant chooses to construct landscaping within the State Trust Land, the Applicant or some party other than Maricopa County shall maintain same.
11. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
12. The Applicant shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
13. The Applicant shall consult with ADOT (Prescott District) regarding access and improvements to SR 74. The Applicant shall provide written documentation of ADOT’s approval and requirements.
14. The Applicant shall provide (or document existing) right-of-way and construct new improvements along “211th Avenue” and “198th Avenue” from the project

boundary to SR 74. It is assumed that one of these alignments will serve as all-weather access to the project and that the other will serve as unpaved secondary/emergency access. The secondary/emergency access route shall be monitored for air quality and appropriate mitigation measures shall be taken as necessary. No connection from/to SR74 and LP5K other than 198th Avenue and 211th Avenue shall be required so long as the maximum density for LP5K as set forth in this DMP is not exceeded.

15. The Applicant shall consult with the City of Surprise regarding transportation issues. The Applicant shall provide written documentation of Surprise's comments.

mm. The following Maricopa County Library District stipulation shall apply:

- \* A quality of life assessment of \$596 for each residential unit, including each unit in the multi-family project, shall be made available to the Maricopa County Library District at the time of building permit issuance.

nn. The following Maricopa County Parks and Recreation Department stipulations shall apply:

- \* At the time each residential building permit is issued, two hundred fifty dollars (\$250) per residential unit shall be paid by the developer to a park enhancement fund for trails and facilities enhancement and maintenance. The county shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by Lake Pleasant 5000 residents. Details regarding this assessment are to be addressed in the required development agreement.

oo. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this development master plan due to non-compliance with any of the approved stipulations or other conditions of approval.

**4. DMP2006-007 District 4**

Applicant: LVA Urban Design Studio, LLC for 339th Avenue and I-10, LLC  
Location: South of I-10, between 335th Avenue (alignment) and 351st Avenue (alignment) (in the Tonopah area)  
Request: Development Master Plan (DMP) (approximately 1,290 acres) – Hidden Waters Ranch

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of DMP2006-007, subject to stipulations "a" through "ff". Commissioner Barney seconded the motion, which passed with a majority vote of 6-3, with Chairman Masel abstaining.

Commissioner Bowers	-	yes	Commissioner Pugmire	-no
Commissioner Jones	-	yes	Commissioner Smith	-no
Commissioner Makula	-	yes	Commissioner Aster	-no
Commissioner Munoz	-	yes		
Commissioner Barney	-	yes		
Commissioner Johnson	-	yes		

- a. Development shall comply with the Development Master Plan document entitled "Hidden Waters Ranch Development Master Plan", a bound document, dated June, 2007 and stamped received June 13, 2007, including the exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Within 30 days of approval by the Board of Supervisors, a revised DMP narrative report document and land use plan shall be submitted for review and approval by the Planning and Development Department showing any revisions to the narrative report or land use plan that may be stipulated by the Planning and Zoning Commission and/or the Board of Supervisors.
- c. Changes to the Hidden Waters Ranch Development Master Plan with regard to use and intensity, or changes to any of the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation by the Maricopa County Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, subdivision regulations, and zoning ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes administratively as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Hidden Waters Ranch Development Master Plan narrative report, maps, and exhibits, or the stipulations of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.
- d. All stipulations of approval shall remain in effect in the event of a change in name of the Hidden Waters Ranch Development Master Plan.
- e. The initial final plat for Hidden Waters Ranch Development Master Plan shall be approved by the Board of Supervisors within (5) years of approval of this development master plan. If the initial final plat has not been approved within this timeframe, this development master plan will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider revocation of the adopted development master plan. If revoked, all zoning and other entitlement changes approved that are associated with Hidden Waters Ranch Development Master Plan shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.
- f. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this Development Master Plan due to noncompliance with any of the approved stipulations.
- g. Prior to approval of any zone change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zone change this development agreement shall be signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record.
- h. The master developer shall be responsible for the construction of all public and private on-site roads within the Hidden Waters Ranch Development Master Plan. Further, the Hidden Waters Ranch homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and public facilities, washes, parks,



roadway median landscaping, landscaping within public rights-of-way, and all pedestrian, bicycle, and multi-use paths.

- i. Prior to approval of each final plat, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.
- j. Landscaping of all common areas and open spaces, except for identified recreational areas, within Hidden Waters Ranch shall consist of indigenous and near-native plant species of a xeriphytic nature.
- k. Unless waived by the Board of Supervisors at the time of final plat approval, all irrigation water supplied for common/open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within three (3) years after issuance of the first building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department within the three year requirement.
- l. The Hidden Waters Ranch Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the Hidden Waters Ranch Development Master Plan narrative report.
- m. The total number of residential dwelling units for the Hidden Waters Ranch Development Master Plan shall not exceed 3,410. To help ensure compliance, the cumulative number of dwelling units platted to date, in relation to the identified limit, shall be identified on all plats.
- n. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Hidden Waters Ranch Development Master Plan every three years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units built and platted, locations of areas/parcels under construction, status of infrastructure development, status of non-residential property, progress on how the stipulations of approval are being implemented, and any other information as requested by the Maricopa County Planning and Development Department.
- o. Until annexation of the entire development master plan takes place, the master developer shall notify all future Hidden Waters Ranch Development Master Plan residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8 ½ inch by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- p. All park facilities shall be completed concurrently with residential development of the respective plat on which the park is shown.
- q. Not less than 32 acres shall be reserved for Recreational Open Space (ROS) land use. The project shall have two (2) neighborhood park sites of various acreages in the general

locations shown in Figure 10 - Open Space Master Plan in the narrative report. Further, not less than eleven (11) mini parks a minimum of 0.5 acres each shall be provided in the general locations identified in Figure 10 - Open Space Master Plan in the narrative report. All parks shall include recreational amenities. In addition, not less than 57 acres of dedicated, non-developable open space shall be provided in the general locations shown on the Land Use Plan for preservation of wash corridors in their natural state. At the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative open space acreage and park numbers with respect to the requirements of this stipulation. A description of the types of recreational amenities that will be included in the Recreational Open Space and mini-parks shall also be submitted with all preliminary plats to the Maricopa County Planning and Development Department.

- r. No less than 53 acres shall be reserved for neighborhood retail and community retail commercial land uses as depicted on the Hidden Waters Ranch land use plan. To help ensure compliance, at the time of each preliminary plat or precise plan submittal the master developer shall include a description of the status of the cumulative commercial land use acreage platted to date with respect to the requirements of this stipulation.
- s. No less than 29 acres shall be reserved for business park, mixed use employment center and office employment center land uses as depicted on the Hidden Waters Ranch land use plan. To help ensure compliance, at the time of each preliminary plat or precise plan submittal the master developer shall include a description of the status of the cumulative employment land use acreage platted to date with respect to the requirements of this stipulation.
- t. No less than 329 acres shall be reserved for Industrial Employment Center use as depicted on the Hidden Waters Ranch land use plan. At the time of each preliminary plat or precise plan submittal, the master developer shall include a description of the status of the cumulative acreage platted to date with respect to the requirements outlined in this stipulation.
- u. Unless otherwise agreed to by the Saddle Mountain Unified School District, one (1) school site at a minimum of 17 acres shall be reserved for a school at the location identified on the Hidden Waters Ranch land use plan.
- v. Prior to zone change approval, the master developer shall provide a "will serve" letter and a Certificate of Convenience and Necessity from the Water Utility of Greater Tonopah demonstrating commitment to serve the entire Hidden Waters Ranch Development Master Plan with water service, which is subject to approval by the Maricopa County Department of Environmental Services.
- w. Prior to any zone change approval, the master developer shall provide a "will serve" letter and verification of approval by the MAG Regional Council of a 208 amendment from Global Water Resources demonstrating commitment to serve the entire Hidden Waters Ranch Development Master Plan with wastewater service, which is subject to approval by the Maricopa County Department of Environmental Services. The "will serve" letter shall demonstrate a willingness and capability to serve the entire Hidden Waters Ranch DMP with wastewater service.
- x. Prior to approval of the first preliminary plat, the master developer shall provide a "will serve" letter for fire protection from the Tonopah Valley Fire District or another qualified public or private fire service provider demonstrating commitment to serve the entire Hidden Waters Ranch Development Master Plan, which is subject to approval by the Maricopa County Planning and Development Department.

- y. An archaeological survey of the subject property shall be conducted prior to approval of any preliminary plat to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona State Historic Preservation Officer (SHPO) for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archaeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona SHPO shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.
- z. The following Maricopa County Library District stipulation shall apply:
  - \$596.00 per residential unit shall be paid to the Maricopa County Library District by the master developer as each residential building permit is issued for the purposes of future library service and infrastructure needs.
- aa. The following Maricopa County Parks and Recreation Department stipulations shall apply:
  - 1. Two hundred fifty dollars (\$250) per residential unit will be paid by the master developer as each residential building permit is issued, to a fund for the White Tank Regional Park for trails and facilities enhancement and maintenance. The County shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by Hidden Waters Ranch residents. Maricopa County Parks and Recreation Department will provide each residential unit in the Hidden Waters Ranch Development Master Plan with a one-year, seventy-five (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.
  - 2. Two hundred fifty dollars (\$250) per residential unit shall be paid by the master developer as each residential building permit is issued, to a fund for the Maricopa Trail system for design, construction, enhancement, operation and maintenance. The County shall deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. All interest earned on this fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing County appropriations for similar purposes, but are intended as supplemental and enhancement resources needed as this community grows in its residents' use of the Maricopa Trail.
- bb. The following Maricopa County Department of Emergency Management stipulations shall apply:
  - 1. Any areas not covered by the existing Outdoor Warning Siren System used to alert residents within the 10-mile Emergency Planning Zone of the Palo Verde Nuclear Generating Station in time of emergency shall be required to include additional sirens, at the developer's cost, in order to provide adequate warning for the residents of that development, using technical information concerning the

siren system obtained from the Emergency Planning Department at the Palo Verde Nuclear Generating Station. In addition, adequate signage available from the Palo Verde Nuclear Generating Station Emergency Planning Department shall be required to be posted on the site to inform the public of the presence of a nuclear generating station in the vicinity and outlining actions to take upon receiving warning notification.

2. The developer shall ensure that public safety information regarding nuclear emergencies is initially provided to any new residents or building occupants. The applicant shall obtain this information from the Palo Verde Nuclear Generating Station – Emergency Planning Department. All costs associated with the duplication and dissemination of the initial distribution shall be assumed by the applicant. Thereafter, the Palo Verde Nuclear Generating Station will provide this public safety information annually.

cc. The following Maricopa County Sheriff's Office stipulation shall apply:

- Prior to any zone change, the master developer shall enter into a development agreement and Law Enforcement Services agreement with the Maricopa County Sheriff's Office (MCSO) to provide law enforcement services to this development and surrounding areas. This development and Law Enforcement Services agreement shall include, but not necessarily be limited to, the master developer's requirement to pay their proportionate share for start up costs (vehicular purchase and patrol equipment, e.g. radios, tasers and vehicle laptops) and interim fees for law enforcement services associated with the property unless it is annexed into an incorporated municipality or until a full law enforcement service contract is otherwise implemented. This development agreement may also include, but not necessarily be limited to, the master developer's requirement to donate at no cost to the county, for use by the Maricopa County Sheriff's Office, their proportionate share of separate office space complete with tenant improvements or land (the size to be determined in the development and Law Enforcement Services agreement,) or payment of fees when a permit is issued, for the Sheriff's Office to conduct day-to-day business related to providing law enforcement services to this development and surrounding areas. The office space complete with tenant improvements per Maricopa County Sheriff's Office requirements and associated parking or land shall be provided not later than two (2) years from the opening of the first model home complex within the DMP, or as agreed to in the development and Law Enforcement Services agreement. The developer(s) who incur the above Sheriff's Office costs shall be eligible for reimbursement from other service area developers, with the rate of reimbursement defined in the development agreement. This stipulation shall be modified should a Sheriff's Office Impact Fee be enacted by the county. This development and Law Enforcement Services agreement shall be signed by both the master developer and the Maricopa County Sheriff's Office and provided to the Maricopa County Planning and Development Department for public record.

dd. The following Flood Control District of Maricopa County stipulations shall apply:

- The owner or his representative shall submit a Conditional Letter of Map Revision prior to any preliminary plat approvals.

ee. The following Maricopa County Department of Transportation stipulations shall apply:

1. The Applicant shall provide a Traffic Impact Study (TIS.) The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS shall address the timing, including “trigger” points for when design should begin, and “thresholds” by which time construction should be complete. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to any zoning and/or final plat approvals and with each development phase to reflect current conditions and any changes to the development plan. The need for additional lane capacity on offsite arterial alignments will be reviewed with each submittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
2. The Applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The applicant may construct certain regional improvements as further defined in the Development Agreement, in lieu of payment of this contribution. Such street improvements must be “system roadways,” must be all-weather facilities, must meet county standards in effect at the time they are approved, and must be pre-approved by MCDOT. MCDOT will require a Development Agreement to detail the specifics of construction, including phasing and timing. If the applicant does not construct regional roadway improvements, the Applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
3. The Development Agreement shall be executed prior to any zoning (rezoning) or preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The Applicant shall provide the ultimate full-width of right-of way for all public roadways. Right-of-way shall be provided as follows:
  - a. Buckeye Road: 200 feet full-width (interior) r/w or 100 feet half (perimeter) r/w for section line and/or enhanced roadways (parkways)
  - b. 339th Avenue: 200 feet full-width (interior) r/w or 100 feet half (perimeter) r/w for section line and/or enhanced roadways (parkways)
  - c. Van Buren Street: 130 feet full-width (interior) r/w or 65 feet half-width (perimeter) r/w for section line and/or arterial roadways
  - d. 347th Avenue: 130 feet full-width (interior) r/w or 65 feet half-width (perimeter) r/w for section line and/or arterial roadways
  - e. Roosevelt Street (from 339th Avenue to 343rd Avenue): 110 feet full-width (interior) or 55 feet half-width (perimeter) for major collector roadways (from 339th Avenue to 343rd Avenue)
  - f. 343rd Avenue: 110 feet full-width (interior) or 55 feet half-width (perimeter) for major collector roadways (from Van Buren Street to northern property line)
  - g. Roosevelt Street (west of 343rd Avenue): 80 feet full-width (interior) r/w or 40 feet half-width (perimeter) r/w for minor collectors

- h. Harrison Street: 80 feet full-width (interior) r/w or 40 feet half-width (perimeter) r/w for minor collectors
- i. 335th Avenue: 80 feet full-width (interior) r/w or 40 feet half-width (perimeter) r/w for minor collectors
- j. 343rd Avenue: 80 feet full-width (interior) r/w or 40 feet half-width (perimeter) r/w for minor collectors (from Van Buren Street to southern project boundary)
- k. 351st Avenue: 80 feet full-width (interior) r/w or 40 feet half-width (perimeter) r/w for minor collectors

The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways.) Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways.) Additional right-of-way shall be dedicated at any intersections where future dual left turns are possible. The widened right-of-way section shall accommodate the length of the left turn lane, including reverse curves.

The Maricopa Association of Governments (MAG) in conjunction with the Arizona Department of Transportation (ADOT) is conducting a "Hassayampa Valley Regional Transportation Network Study." This study is evaluating future regional arterial transportation network needs and future traffic interchange locations along I-10 from SR303 west to approximately 459th Avenue. The applicant shall reserve sufficient right-of-way for transportation facilities in compliance with the MAG Hassayampa Study, including sufficient right-of-way for widening of I-10. A portion or right-of-way and/or construction may or may not be creditable so the Applicant's contribution referred to in item #2.

- 5. The Applicant shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width perimeter roadways, unless approved otherwise by MCDOT. A portion of these improvements may be creditable to the Applicant's contribution to item #2. All roadways must meet county standards in effect at the time they are approved. All roadways must include appropriate ITS infrastructure. Half-width roadways must be designed to safely carry two-way traffic until the ultimate roadway is constructed. Roadway improvement plans must be approved and permitted by MCDOT. The Applicant shall relocate well site(s) and/or provide additional right-of-way in the event of conflict with any transportation facilities.
- 6. The Applicant is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Applicant's contribution referred to in item #2.
- 7. The Applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
- 8. The Applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.

9. The Applicant shall not locate elementary or middle schools on arterial alignments. (The schools may not “back-up” to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersections.
10. The Applicant shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections may be required to be grade separated. The applicant shall prepare a comprehensive multimodal transportation and circulation plan (the “Multimodal Plan”) which addresses public transit, bicycle, pedestrian, golf cart, equestrian and other alternative uses. The Multimodal Plan must be approved before the subsequent approval of any roadway improvement plans.
11. If streetlights are provided, installation shall be provided by the Applicant. If streetlights are within public right-of-way, a Street Light Improvement District (SLID) or comparable authority must be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
12. The Applicant shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual, Chapter 9. The Applicant (or as assigned to the Homeowner’s Association (HOA) shall be responsible for maintenance of landscaping within public right-of-way.
13. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
14. The Applicant shall comply with all applicable local, state and federal requirements (dust control, noise mitigation, AZPDES, 404 permitting, etc.)
15. The Applicant shall provide written documentation of ADOT’s review and response. ADOT documentation shall be received before any zoning (rezoning) or preliminary plat approval, or at the discretion of MCDOT.
16. The Applicant shall discuss the alignment and future construction of 347th Avenue, where it extends beyond the boundaries of the project. (This is in process and on-going.)

ff. The following Luke Air Force Base stipulation shall apply:

The master developer shall notify future residents that they are located within the vicinity of a military training route with the following notification:

“You are buying a home or property within the vicinity of a military training route, and may be subject to direct overflights and noise by Luke Air Force Base and other military jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flights per year, at an average of approximately 170 over flights per day. Although Luke’s primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range, and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 A.M. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends."

Such notification shall be permanently posted in front of all home sales offices on not less than a 3 foot by 5 foot sign, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, be included in all covenants, conditions, and restrictions (CC&Rs) and be included in the public report.

## **BOARD OF SUPERVISORS**

**~ Recess Open Session and Reconvene Executive Session ~**

### **OPEN SESSION**

**68. SETTLEMENT OF WORKER'S COMPENSATION LIEN – LONNIE PAULSEN**

Approve Settlement of worker's compensation lien **resulting in receipt of \$1,000** as full and final satisfaction of Maricopa County's worker's compensation lien against the third party claim/legal action of Lonnie Paulsen in Maricopa County Superior Court No. CV2003-017479, and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel as discussed in Executive Session on October 1, 2007. (C7508016100) (ADM3712) – **(APPROVED AS AMENDED)**

**69. SETTLEMENT OF WORKER'S COMPENSATION LIEN – PAIGE DEVEREAUX**

Approve Settlement of worker's compensation lien **resulting in receipt of \$16,666.66** as full and final satisfaction of Maricopa County's worker's compensation lien against the third party claim/legal action of Paige Devereaux in Maricopa County Superior Court No. CV2006-090203, and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel as discussed in Executive Session on October 1, 2007. (C75080201000) (ADM3712) – **(APPROVED AS AMENDED)**